

MINUTES
PUBLIC SAFETY COMMISSION
July 19, 2012
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on July 19, 2012. Attending the meeting were Chairman Cindy Leon, Commissioners Carin Barth, Allan Polunsky, Ada Brown and John Steen. A quorum was present at the meeting. DPS staff members and guests were also present.

Call to Order (0:00:02)

The meeting was called to order by Chairman Leon at 9:06 a.m. Proper notice had been posted.

Approval of Minutes (0:00:56)

A motion was made by Commissioner Steen seconded by Commissioner Brown approving the minutes as submitted for the June 11, 2012 meeting. Motion passed unanimously.

A motion was made by Commissioner Barth seconded by Commissioner Polunsky approving the minutes as submitted for the June 21, 2012 meeting. Motion passed unanimously.

Public Comment (0:02:16)

None

Directors Report (0:02:30)

A. Presentations

- Medal of Merit – Sergeant Derek Prestridge
- Medal of Merit – Texas Ranger John “Nick” Hanna
- Unit Citation – Texas Rangers Company “E”
- Director’s Award – Schleicher County Sheriff David Doran
- Director’s Award – Office of the Attorney General, Sergeant Wesley Hensley
- Director’s Award – Federal Bureau of Investigation, Special Agent Johnathan Broadway

-Commissioner Polunsky was pleased that DPS recognized the other agencies involved in the FDLS case. The multitude of agencies were able to work together in a crisis with a positive outcome. Commissioner Brown commented that cases like the FDLS case are difficult to convict and that the suspects had managed to avoid prosecution in other states.

B. Testimony (7/9/12 House Transportation Subcommittee on Transportation Funding with the House Appropriations Subcommittee on Article VI, VII and VIII)

- Discussed state highway funds and how they are being used
- Budget for upcoming biennium if \$1.3 billion, 81% from Fund VI (General Revenue)

- Fund cuts are not affected by Fund VI
- Collected \$1.37 billion through fees and licensing that was generated back to Fund VI
- Almost no funds are kept from driver license revenue, goes into Trauma and Mobility Fund
- Should solicit support of Transportation Commission or TxDOT
- Take advantage of opportunities to remind legislators that we collect funds
- DPS has some unmet needs that directly affect public safety and we should work toward self sustaining
- Make contact and work with LBB analysts and report back to PSC

C. Crime Report

- Law Enforcement Support recently the Crime Report
- Index Crime has dropped by 8.3%
- Reduction of 6.4% in volume
- Agencies are not required to report Non Index Crimes (drug trafficking, human trafficking, kidnapping, extortion, corruption, trespassing or criminal mischief)
- FBI developed NIBRS to report all crimes but not all agencies are reporting since it is not a requirement (52 agencies currently participating – 5% of overall number and 13% of Texas population)
- AD Skylor Hearn and Director McCraw met with Chiefs of Police in the Dallas area to discuss crime reporting in order to capture all data across all jurisdictions
- Chairman Leon requested random updates on agency participation in NIBRS to track progress

D. Call/Contact Center

- Call/Contact Center currently staffed by 53 agents
- Interactive self service system available for customers to use
- Hits to the website for information have increased
- Hold time for customers has greatly reduced
- Mondays and Tuesdays are high volume days
- Employees are being empowered with training and knowledge to reduce the transferring of calls
- Effective on June 28th, five field offices are now having their calls routed to Austin. During the first 12 days, over 9,000 calls received which is the equivalent of 10 FTEs to the five field offices.
- Still not enough resources available to provide adequate service
- Last biennium DL received \$63 million and we will need \$156 million this upcoming session to support the strategy
- Commissioners Steen and Barth thanked Director McCraw for responding to public correspondence on driver license issues

New Business (1:05:50)

A. Report and discussion on preliminary steps to provide for video or audio presentation of Public Safety Commission meetings

- DAD Bryan Lane discussed audio/video capabilities for the PSC meetings

- Option 1 – delayed playback of 24 hours at an estimated cost of \$24,600
- Option 2 – limited access to live stream for DPS campus only at an estimated cost of \$45,100
- Multi-department resources such as Communications, Media and Communications, IT and Facilities will be required
- Commissioner Brown expressed concern about downloading information
- Commissioner Polunsky is opposed to private advertising on audio/video
- Recommendation made to check with other agencies on their use of A/V and costs as well as cost just for audio and provide update at next meeting

B. Report, discussion and possible action regarding FY 2014-2015 Legislative

Appropriations Request

- Addition of Exceptional Item 31 for modular housing to be located in Florence as an alternative if we do not get funds for the dorm
- Request made for cost analysis on hotel vs permanent dorm vs modular housing to include bond options to be presented to Commission prior to the LAR deadline of 8/1/12
- 10% agency reduction equals to a \$22 million reduction for the driver license strategy and a \$226,000 million reduction for the Rio Grande Valley Border/Security and IT/Training Center Contract

A motion was made by Commissioner Barth seconded by Commissioner Polunsky approving the new and revised riders. Motion passed unanimously.

C. Report, discussion and possible action on the proposed repeal of Practice and Procedure Rule for publication to receive public comment: Rule 29.11, 37 TAC Sec. 29.11, concerning Entry of Appearance; Continuance

A motion was made by Commissioner Steen seconded by Commissioner Barth approving publication for public comment. Motion passed unanimously.

D. Report, discussion and possible action regarding deployment of security personnel and devices for Public Safety Commission meetings. This item may be presented in Executive Session pursuant to Government Code 551.076

E. Report, discussion and possible action regarding criminal investigations including update on tactical operations as provided by Government Code 411.0041. This item may be presented in Executive Session

Executive Session (2:21:30)

The Commission adjourned into Executive Session to discuss security issues, to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; ongoing criminal investigations. Executive Session began at 11:27 a.m.

(2:21:40) The Public Safety Commission reconvened this open session at 1:37 p.m.

Ongoing Business (2:22:06)

Reports, discussion and possible action regarding the following:

A. Follow-up report, discussion and possible action on the Department of Public Safety ethics policy and reporting requirements

A motion was made by Commissioner Steen seconded by Commissioner Barth approving the Ethics Policy and reporting requirements. Motion passed unanimously.

B. Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office. Updates regarding status of semi-annual follow-up, contract management, emergency response supplies, compliance audit of records retention requirements, internal control/risk management and bulk fuel tanks-cost benefit audits

- Recruit school properly situated in the organization under the Administration Division
- Semi Annual Follow-Up on Open Audit Issues– 52 of 141 implemented and 82 in progress
- Single Audit Issues – 45 tracked, 36 implemented and 9 pending
- Roadmap assessment for Contract Management, long term activity to fix
- Emergency Response Supplies – vendor managed inventory system
- Records Retention Requirements – initiative currently in place thru Department with training course, policies and procedures
- Enterprise Risk Management – represents a commitment to continuous improvement by the Department
- Bulk Fuel – primary users (THP Troopers) prefer to obtain fuel from retail stations and the majority of the bulk tanks analyzed were more costly

C. Update report, discussion and possible action regarding recruitment

- Next recruit school scheduled to begin July 23, 2012 (103 conditional job offers and 94 accepted)
- November is the cutoff date to submit applications for the January 2013 recruit school
- Reported on the success of the 4 week Driver License Division Leadership Academy and the possibility of developing an advanced leadership class
- Commissioner Polunsky requested research on moving the Department out of Schedule C
- Commissioner Brown commended DAD Woodall for his work and leadership

D. Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries pursuant to Government Code chapter 411, Secs. 411.005, 411.006 and 411.0071

- No Action

E. Report, discussion and possible action regarding the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team

- No Action

- F. Report, discussion and possible action regarding discharge appeal hearing process and scheduling
-General Counsel currently working on policy revision for discharge appeal hearings that will be presented at the August meeting
-13 cases left on the docket
-Three hearings will be set for August 16, 2012
- G. Update, report, discussion and possible action on the presentation of the Office of Inspector General 2011 Annual Report of Operations and OIG resource allocations/regional assignments of personnel
-Commissioner Barth recommends 3 floater FTEs be transferred to permanent positions, addition of 1 administrative assistant position and continue to utilize the TAIG program
-Inspector General Platt addressed issues with TAIG program and would like to downsize (35 – 40 TAIGS) due to relocations and include them in their annual training. Estimated cost is \$600 per person plus travel for annual training.
-OIG Platt to provide documentation for training costs. Commissioners Barth and Polunsky agreed with including TAIGS in annual training.
A motion was made by Commissioner Barth seconded by Commissioner Polunsky to transfer 3 floater FTEs to permanent positions, addition of 1 administrative assistant position, continue to utilize the TAIG program and include them in annual training. Motion passed unanimously.
- H. Report, discussion and possible action on Driver License monthly updates
-15% drop in wait times
-Delivery time for license is below 15 days
-MSB collection rate is at 40%
-Amnesty program offered to 713,000 drivers, 12% participation
-Indigency program began May 2011, 30,360 approved out of 32,782 that applied
-Commissioner Brown recommends not allowing repeat DWI offenders for amnesty or indigency programs
- I. Report, discussion and possible action on the Fiscal Year 2012 Operating Budget
- J. Report, discussion and possible action regarding purchases using seized funds
- K. Report, discussion and possible action regarding Emergency Management's procurement status of RFP for audit services with respect to Federal monies for past grants
-Job descriptions created
-Created/reviewed budget to insure funds in place for positions
-RFP completed, meeting scheduled next week
- L. Review of pending contract/renewal/change order/awards from Contract Review Board
1. Amendment 4 (programming changes) L-1 Secure Credentialing, Inc
- \$95,000 for programming changes
2. Amendment 5 (equipment for megacenters) L-1 Secure Credentialing, Inc
- addition of 49 units for equipment for megacenters
3. Discussion and possible action on changes to Contract Review Board Charter

-Revisions consist of periodic updates to Commission, adding person from PPMO to the Contract Review Board and remove exception for DIR and IT staff augmentation as it no longer exists.

-Commissioner Barth asked if divisions are complying with Policy #3 since she has not seen it included in the division reports for the past few months. AD Mueller will add this item to his report each month.

A motion was made by Commissioner Barth seconded by Commissioner Brown approving the revisions to the Contract Review Board Charter. Motion passed unanimously.

Reports (3:33:22)

A. Commission member reports and discussion - None

B. Finance Report - None

C. Chief Auditors Office - None

D. Division status reports on activities and action – None

-LES – Commissioner Brown requested Craig Haddock be recognized at the August meeting. Mr. Haddock is the recipient of the Radio Frequency Technologist Award for 2012.

-LES – Commissioner Brown read the write up on Kevin Callahan and would like to know the outcome.

-PPMO – Commissioner Barth requested Amanda Arriaga coordinate a meeting in August consisting of Human Resources, Equal Employment Office, Office of Inspector General, Chief Auditors Office, General Counsel and the Rangers to produce a matrix on everyone's responsibilities

-THP – Commissioner Brown acknowledged the 94 interdiction cases

- Texas Rangers – Commissioner Brown acknowledged the 694 felony charges, 631 convictions and life sentence for the Twilight Rapist

-AD Whitman informed the Commission that the BSOC will be receiving a 2nd place award next month from the IACP for Drawbridge

Consent Items (3:41:53)

A. Discussion and possible action on the Director's action of discharging probationary employee Bana Wilkins

B. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code chapter 411, Secs. 411.023 & 411.024; Special Ranger: John W. Barton, James L. Griffey, Randahl L. Gustafson, Norris L. Hayter, David J. Johnson, Tracy Kensing, Glenn W. Lisso, Raymond Roussett Jr., Clinton Sinderud, Bobby R. Tucker and Michael Turner; Special Texas Ranger: none

A motion was made by Commissioner Steen seconded by Commissioner Polunsky approving Consent Items A and B. Motion passed unanimously.

-Commissioner Barth thanked Katherine Cessinger for her exceptional work.

Items for Future Agenda

- Update on live streaming video of PSC meetings
- Recruitment – update on number of schools, applicants and length of schools necessary to fill vacancies


Date for Future Meeting

The next Public Safety Commission meeting is scheduled for August 15, 2012 starting at 9:00 a.m. in Austin, Texas and will include a discharge appeal hearing. In addition, three discharge appeal hearings will be held on August 16, 2012.

Adjourn (3:43:00)

The meeting was adjourned at 3:30 p.m.

Read and approved this 15th day of August, 2012.


Chairman

IN THE MATTER OF § BEFORE THE

THE DISCHARGE OF § PUBLIC SAFETY COMMISSION

PROBATIONARY EMPLOYEE § IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employee was unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to discharge this employee:

Employee Name	Employee Title/Division	Date of Discharge
Bana Wilkins	Forensic Scientist, Law Enforcement Support	06/25/12

Approved:

A. Cynthia Leon, Chair
Public Safety Commission
Date: July 19, 2012

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
July 2012

Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Barton, John W.	THP	Midland	05/31/12	21 years	
Griffey, James L.	THP	CVE/Clear Lake City	09/30/02	32 years	
Gustafson, Randahl L.	THP	CVE/Lubbock	05/31/12	25 years	
Hayter, Norris L.	RSD	Houston	05/31/12	27 years	
Johnson, David J.	THP	CVE/Victoria	08/31/03	26 years	
Kensing, Tracy	CID	Hurst	05/31/12	25 years	
Lisso, Glenn W.	CID	Midland	08/01/95	30 years	
Roussett, Raymond, Jr.	Aircraft	Houston	05/31/12	38 years	
Sinderud, Clinton	THP	HP/Katy	03/31/12	24 years	
Tucker, Bobby R.	DLD	Waco	05/31/04	32 years	
Turner, Michael	CID	Corsicana	08/31/10	27 years	

Special Texas Ranger Applicant:

Name	Division	Service/Station	Retire Date	Years of Service	Approved

Approved by the Public Safety Commission


Chairman

Date 8/15/12